

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
MATT TIBBELS,
Defendant.

CASE NO. 4:21-MJ-3121

STATEMENT OF ERRORS

COMES NOW Defendant Matt Tibbels, by and through his undersigned attorney, and contends that errors were made at the detention hearing on October 8, 2021, as follows:

1. The Court erred in finding that Defendant failed to rebut the presumption of detention;
2. The Court erred in finding that Mrs. Tibbel's compliance with State licensing officials requiring her to notify parents of an Interim Agreement (Exhibit 1) demonstrated an intent to continue to operate the daycare; and
3. The Court erred in finding that Defendant's release would pose a risk of danger to the community and that no condition or combination of conditions of release would reasonably assure community safety.

WHEREFORE, Defendant appeals the Magistrate Judge's Detention Order entered on October 8, 2021, and asks for a de novo review of the record.

MATT TIBBELS, Defendant,

BY: /s/Jim K. McGough
Jim K. McGough, #21194
Mark J. Foxall, #27157
McGoughLaw P.C., L.L.O.
11920 Burt Street, Suite 100
PO Box 540186
Omaha, NE 68154
(402) 614-8655
jmcgough@mcgoughlaw.com

CERTIFICATE OF SERVICE

I certify that on October 19, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Ms. Tessie Smith
Assistant United States Attorney
100 Centennial Mall North, Suite 487
Lincoln, NE 68508
tessie.smith@usdoj.gov

/s/ Jim K. McGough
For the Firm